



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/910,348

07/23/2001

Randall Lee Carter

RD-27764

2297

6147

7590

10/06/2003

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH CENTER  
PATENT DOCKET RM. 4A59  
PO BOX 8, BLDG. K-1 ROSS  
NISKAYUNA, NY 12309

EXAMINER

KEEHAN, CHRISTOPHER M

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |  |  |  |
|--|--|--|--|
| <p align="center"><b>Office Action Summary</b></p> | <p>Application No.</p> <p>09/910,348</p>     | <p>Applicant(s)</p> <p>CARTER ET AL.</p> |  |
|  | <p>Examiner</p> <p>Christopher M. Keehan</p> | <p>Art Unit</p> <p>1712</p>              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

This application contains claims 33-65 drawn to an invention nonelected with traverse received on 9/24/2002. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112***

The rejection of claims 26-29 under 35 U.S.C. 112, first paragraph, has been maintained and is as set forth in the previous office action.

***Claim Rejections - 35 USC § 102***

The rejection of Claims 1, 2, and 6 under 35 U.S.C. 102(b) as being anticipated by Karrer et al. (5,792,825) has been maintained and is as set forth in the previous office action.

***Claim Rejections - 35 USC § 103***

The rejection of claims 1-17, 20-25, and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (5,013,800) in view of Costanzi et al. (5,350,786) has been maintained and is as set forth in the previous office action.

The rejection of claims 3-5, 7-17-25, and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Karrer et al. (5,792,825) has been maintained and is as set forth in the previous office action.

Art Unit: 1712

The rejection of claims 3-5, 7-17-25, and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Karrer et al. (5,792,825) has been maintained and is as set forth in the previous office action.

The rejection of claims 26-29 under 35 U.S.C. 103(a) as being unpatentable over Karrer et al. (5,792,825) in view of Malik et al. (5,679,733) has been maintained and is as set forth in the previous office action.

### ***Response to Arguments***

Applicant's arguments filed 7/25/03 have been fully considered but they are not persuasive. To begin, applicant has not addressed the pending 112, first paragraph rejection of claims 26-29, as set forth in the previous office action. Regarding applicant's arguments concerning claims 1, 2, and 6 under 35 U.S.C 102(b) over Karrer et al. (5,792,825), applicant's arguments are not found persuasive. Applicant has argued that Karrer et al. disclose a composition with only one component present. However, this appears to also be the state of applicant's composition upon mixing the components together. It is not clear from applicant's specification how the HALS fits in to the composition, which is why the pending 112, first paragraph rejection was made. It appears that applicant also ends up with the structure of Karrer et al. Upon admixing of the HALS with the polyorganosiloxane of the instant application, it appears that the structure of Karrer et al. results, absent evidence to the contrary. Because the same reasoning was applied by applicant concerning claims 3-5, 7-25, and 30-32, the above response also applies to these claims. Regarding applicant's arguments concerning

claims 18 and 19, the rejection stated that the instantly claimed structure is an obvious homologue of Karrer et al's. Applicant has not argued this but points out that this structure is not shown by Karrer et al. However, this is clear because the rejection concerning these claims is a 103(a) rejection. Regarding the rejection of claims 23-25, a 103 rejection was made because applicant showed no criticality or unexpected results for this structure, and this still stands.

Regarding applicant's arguments concerning the U.S.C 103(a) rejection of claims 1-17, 20-25, and 30-32 of Inoue et al. (5,013,800) in view of Costanzi et al. (5,350,786), applicant's arguments are not found persuasive. Applicant submits that the examiner has stated that HALS are aging retarders added to polymeric compositions exposed to UV light to protect the polymer from degradation, and has supplied no reference support. It is the examiner's position that it is well known in the art what HALS are and the function they perform, if by nothing other than the name hindered amine light stabilizer. It does not appear that the prosecution of this application would be furthered by the inclusion of the definition of HALS by the examiner, as it is readily apparent to one skilled in the art. The arguments set forth in the last action apply to this rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 1712

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (703) 305-2778. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Dawson can be reached on 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Christopher Keehan



September 22, 2003



Robert Dawson  
Supervisory Patent Examiner  
Technology Center 1700